

THE MARYLAND WILDLIFE ADVISORY COMMISSION  
MINUTES – FEBRUARY 18, 2004

Chairman Tim Lambert called the meeting to order at 9:40 a.m.

**Approval for Minutes from November 2003 Meeting**

- November meeting minutes were approved without changes.

**Introduction of New Commissioners**

- Commissioner Robert A. Pascal owns several farms on the Eastern Shore and is dedicated to the conservation of wildlife.
- Commissioner Lawrence E. Julio lives in Reisterstown, Maryland. Commissioner Julio is an advocate of hunting and fishing, and loves the outdoors and wildlife.
- Commissioner J. Michael Scarborough owns a farm in Prince Frederick, Maryland. Commissioner Scarborough does a fair amount of hunting and fishing in Maryland and other parts of the world.
- Director Paul A. Peditto welcomed the new members on behalf of Secretary Franks and Governor Ehrlich.
  - 1) Over the few years, the Wildlife and Heritage Service (WHS) staff have made endeavors to make this a much more productive Commission by virtue of:
    - (a) Staff will provide Wildlife Advisory Commission (WAC) the details as to inter-workings of WHS and operational aspects, in order to help guide WHS to make better business and wildlife conservation decisions.
    - (b) Wildlife Advisory Commission authority is outlined in statute. When a commissioner's term is finished, that commissioner is replaced. Several commissioners' terms end this summer, thus new members will be appointed.
- In the future, the Wildlife Advisory Commission will meet in C-1 Conference Room, unless notified otherwise.

**Expression of Appreciation for Time Served**

- Director Paul A. Peditto mentioned that hopefully, past commissioner Mr. Morris King would continue to provide WHS with his input. Also, Director Peditto thanked Mr. King for the time he served and for his valuable and informative input on all WHS issues.
- Director Paul A. Peditto also, thanked Mr. Tom Mathews for his service on the Black Bear Task Force. Mr. Mathews is a retired DNR biologist but more than that, Mr. Mathew is one of the esteem members in the wildlife and hunting communities.

**Maryland Wild Sika Deer Association**

- A presentation by T.J. Jenkins, Maryland Wild Sika Deer Association, was scheduled but Mr. Jenkins cancelled the presentation to the WAC. However, Mr. Jenkins had a discussion with Chairman Lambert about concern for the sika deer population in Maryland. Apparently after Isabel, it was reported that there were some dead young sika deer floating in the tributaries.
  - 1) Mr. Jenkins was invited to address the Commission to solicit support to reduce the sika deer bag limits. Director Peditto has been discussing this with Mr. Jenkins.
  - 2) The Maryland Wildlife Sika Association is concerned about the lack of funding for research and lack of support compared to other species.
    - (a) Sika deer occupy a small part of Maryland, compared with the white-tailed deer population with a larger geographic range and associated cultural and ecological issues.
    - (b) Measured proportionally, staff dedicate more time and dollars on sika deer as compared to white-tailed deer. This does not mean that our data is unsound. The aging data and health perimeters are obtained from opening day at designated check-in stations. Our decisions on white-tailed deer and sika deer are derived from the same model.
      - (i) To reduce the sika deer bag limits would mean a drastic change--it would require one sika deer per hunter per year across the board.
      - (ii) This would be a dramatic change. It has some implications to agricultural community, as well as, the hunting community, and certainly it has implications for WHS, as individuals who would have to convey such a message.
      - (iii) There is no evidence to support the need for such a decision.
  - 3) WHS staff promised to continue monitoring the sika deer population.
- Motion
  - 1) Chairman Lambert outlined Mr. Jenkins proposal for DNR to create a sika deer stamp for hunters. This will generate funding for more research on sika deer.

- Open for Discussion
  - 1) Chairman Lambert asked the Commission to entertain a motion to have DNR institute a sika deer stamp.
  - 2) For a stamp to be sold, a fee would have to be associated with a stamp. WHS does not have the authority to establish fees without going through the General Assembly.
  - 3) Commissioner Adams was apprehensive in making a decision on this subject based on the elements that were discussed. Also, Commissioner Adams indicated that this subject is definitely worth further discussion. The information on the status of sika deer population is really important. The deer harvest data that WHS staff compiles from year to year should demonstrate the impacts of the change in the sika deer population.
  - 4) DNR did an ear tagging study in the late 80's to the 90's. Mr. Brian Eyler did a graduate study with Douglas Hotton on sika deer and white-tailed deer. This year, the Smithsonian is conducting a genetic study on sika deer. Staff collected jawbones this passed year at Blackwater check-in station. This allowed staff to determine the age of a sika deer.
  - 5) Chairman Lambert took the motion off the table.
- Creating a sika deer stamp will be revisited this summer when staff and WAC start discussions for proposals for the 2005 General Assembly.

#### **DNR Legislative Agenda and Update**

- Presentation by Mark Hoffman, Associate Director of Administration
- Mark Hoffman handed out Profile – WHS Tracking Legislation – 2004 [Attachment A].
  - 1) HB 451 Entitled Natural Resources – Black Bear Hunt – Moratorium:
    - (a) Prohibiting the Department of Natural Resources from establishing an open season to hunt black bears until July 1, 2010; prohibiting the Department from reducing the black bear population in the State until July 1, 2010; classifying black bears as non-game mammals until July 1, 2010; and requiring the Department to commence a survey of the black bear population on July 1, 2009 and report the findings to the Governor and specified committees of the General Assembly on or before December 1, 2009.
  - 2) HB 492 Entitled Natural Resources – Waterfowl Outfitter and Waterfowl Hunting Guide Licenses
    - (a) Repealing law providing for master hunting guide licenses; requiring licenses for waterfowl outfitters and waterfowl hunting guides; requiring the Department of Natural Resources to adopt regulations for the issuance of the licenses; establishing fees and term limits for the licenses; authorizing the Department to suspend or revoke the licenses; etc.
  - 3) HB 496 Entitled Wildlife Management Programs – Fees
    - (a) Authorizing the Secretary of Natural Resources to establish by regulation procedures, participant criteria, and fees for participation or access to services provided by the Department; establishing limits on such fees; allowing agents of the Department to receive compensation for processing applications or permits; establishing limits on such compensation; mandating that funds received from such fees be deposited in the State Wildlife Management and Protection Fund; etc.
  - 4) HB 498 Entitled Natural Resources – Leghold Traps – Prohibition (Crossfiled SB 279)
    - (a) Expanding the prohibition against using, setting, placing, or maintaining a leghold trap to apply to all persons statewide; and providing exceptions to the prohibition against using, setting, placing, or maintaining a leghold trap.
  - 5) HB 654 Entitled Department of Natural Resources – Electronic Transactions
    - (a) Authorizing the Department of Natural Resources to develop and implement a system for conducting specified transactions over the Internet; authorizing the Department to adopt regulations; authorizing the Department to determine specified fees; etc.
  - 6) HB 906 Entitled Hunting – Furbearing Mammals
    - (a) Requiring a hunting license stamp to hunt or chase furbearing mammals under specified circumstances; requiring specified persons to have a certificate of trapper education or furbearer chasing; requiring the Department of Natural Resources to provide for courses in trapper education and furbearer chasing; providing for a fee for the stamps and for exemption from the fees; allowing nutria to be killed by individuals without the stamps at any time under specified circumstances; etc.
  - 7) HB 1258 Entitled Natural Resources – Special Funds and Accounts – Administrative Costs
    - (a) Authorizing the Secretary of Natural Resources to use money in specified funds or accounts under the Department for administrative expenses related to the fund or account based on a generally accepted methodology for determining indirect costs; requiring the Secretary to submit any changes to the indirect costs methodology for review and comment to the House Appropriations Committee and the Senate Budget and Taxation Committee within 45 days; etc.

- 8) HB 1259 Entitled Department of Natural Resources – Fee Commission – Establishment
    - (a) Establishing the Natural Resources Fee Commission; requiring the Fee Commission to examine the fees collected by the Department of Natural Resources and recommend reasonable fee changes; repealing specified fees, minimum and maximum fees, and shellfish taxes charged by the Department for specified privileges; requiring the Fee Commission to consider the underlying program cost as a factor in determining a recommended fee change; etc.
  - 9) SB 57 Entitled Hunting – Chesapeake Forest Lands
    - (a) Changing from the 2005-2006 to the 2007-2008 hunting season the date by which the Department of Natural Resources is requested to utilize special fund revenue generated as a result of a licensing fee increase to open to public hunting at least half the total acreage that is leased for hunting to private individuals on the properties known as the Chesapeake Forest Lands.
  - 10) SB 59 Entitled Natural Resources – Shoreline and Blind Site Licensing
    - (a) Altering the duration of a shoreline license for riparian landowners; altering the amount, timing, and disposition of the fee for obtaining a shoreline license for riparian landowners; requiring applicants for a shoreline license who are not licensing their own property to possess a current or prior year Maryland hunting license; altering the method by which the Department of Natural Resources shall notify the public of shoreline licensing; specifying how shoreline licenses may be issued; etc.
  - 11) SB 292 Entitled Chesapeake Forest Lands – Public Access and Private Hunting Clubs – Lease Agreements
    - (a) Requiring a portion of the Chesapeake Forest Lands to be open to the public during a specified time period; repealing a provision of law setting forth the intent of the General Assembly that the Department of Natural Resources use specified funds to open a portion of the Chesapeake Forest Lands to public hunting by the 2005-2006 hunting season; etc.
- Director Peditto asked the Commission to offer support for the Wildlife Management Program Fees Bill. This bill would allow the Department to develop fees for the non-consumptive users who are using Wildlife Management Areas. Commissioner Lamp and Commissioner Adams are in support of this bill. Commissioner Pascal disagrees with giving government agencies authority to establish fees without going through the legislation process. HB 496 has the support from the hunting community and the Maryland Legislative Caucus. The Department would still need to go through the regulation process that means the Department would have notified the public and obtain public input before establishing fees.
  - Motion
    - 1) Commissioner Adams made a proposal for the Commission to support HB 496 Wildlife Management Program Fees. Commissioner Lamp seconded the motion. Motion passed with three supporters and Commissioner Pascal and Commissioner Julio abstained.

#### **Adjustment to the Agenda**

- Maryland's Woodcock Season Dates
- Chairman Lambert handed out a letter from a non-resident hunter questioning the dates established for the woodcock season [Attachment B]. Apparently, this hunter hunts from New York to Maryland.
  - 1) Chairman Lambert reviewed this letter and had a conversation with a New Jersey biologist. The New Jersey biologist agreed that Maryland's woodcock season is too early. Also, this gentleman suggested that Maryland follow Delaware season dates.
  - 2) Chairman Lambert discussed adjusting the woodcock season dates with Bill Harvey, Game Bird Team Leader. The USFWS regulates the frameworks for the states to follow. Currently, USFWS allows Maryland to have an early season and late season with no splits. Bill Harvey is looking at adjusting the season dates. Robert Beyer, Associate Director of the Game Program will discuss this with Bill Harvey.

#### **2003 Wildlife Advisory Commission Working Agenda**

- Director Peditto recommended the Commission to continue with the program updates and important issues. Associate Directors will incorporate a generalized overview of each program.
- Chairman Lambert recommended a ½ day seminar for the new commissioners. The seminar will take place after the General Assembly and after the new appointees come on board, hopefully sometime in August. It would be valuable to have the commissioners present in order to meet some of the wildlife technicians and other staff that do not attend the WAC meetings.
- The regulation concepts from the Stakeholders meeting will be presented to this Commission on March 17<sup>th</sup>. The Stakeholders Meeting is designed to refine the seasons based on the data that staff collected. It is

not designed to debate merits of hunting. The media is present as a conduit to the rest of the public. Commissioners are invited to attend the Stakeholders meeting on Friday, February 20<sup>th</sup>.

- This year is the WHS regulatory cycle. The public meetings will be held at four locations, March 22<sup>nd</sup> in Garrett County, March 24<sup>th</sup> in Carroll County, March 29<sup>th</sup> in Easton, and March 31<sup>st</sup> in Annapolis.
- Urban Wildlife Subcommittee discussion will be moved to the March meeting. Updated Urban Wildlife Subcommittee document [Attachment C] was handed out to the Commissioners. Commissioner Adams and Commissioner Lamp summarized reasons for developing a committee to discuss urban wildlife issues. Commissioners are to examine this document for discussion at the March meeting.
- Fundraiser discussion will be moved to the April agenda. The Fur Resource Advisory Committee will be added to the 2004 Working Agenda. Chairman Lambert requested the Commissioners to review the 2003 Working Agenda and bring any items to be added to the 2004 Working Agenda to the next meeting. Chairman Lambert will discuss the agenda with Director Peditto.
- Question and Answers
  - 1) Commissioner Pascal asked if a staff member could explain the logic behind the resident goose season in Western Maryland.
    - (a) The Atlantic Flyaway Council provides recommendations to the USFWS. The USFWS established frameworks, maximum bag limits, outer-dates (cannot start before and end after date), and a maximum number of days. From that information, the state will make a selection and pass it onto USFWS.
    - (b) The late season is designed to target the resident geese and minimize the impacts on the Atlantic population. Staff uses bands and neck collars to gather data and to monitor where the birds are wintering.
    - (c) In March, Larry Hindman and Bill Harvey will be discussing the Migratory Game Bird Advisory Committee.
    - (d) Chairman Lambert moved this discussion to the March meeting.

#### **Maryland Farm Bureau Update**

- Presentation by Kurt Fuchs, Maryland Farm Bureau Representative
  - 1) Most of the bills that are important to the Maryland Farm Bureau have not been wildlife related.
  - 2) The Maryland Farm Bureau will be opposing the following bills: HB 1166 Health Insurance – Standing Referrals to Specialists – Treatment Plans, HB 498 Leghold Traps - Prohibition, and HB 451 Black Bear Hunt – Moratorium.
  - 3) The Maryland Farm Bureau supports HB 906 Furbearing Mammals.

#### **State Forest and Park Service Update**

- Presentation by Daryl Anthony, State Forest and Park Ranger
  - 1) State Forest and Park Service increased service charges. In doing so, will help keep all facilities opened. The money will go into general funds but the Department has the authority to allocate dollars to maintain and manage all parks. Commissioner Pascal suggested that a document is provided at each park outlining how these newly collected dollars are being used.
  - 2) Over the last several fiscal years, the Department has received substantial reduction in general funds, and the units are becoming more reliant on special funds and federal funds. The increase in service fees will assist in the reduction of general funds.

#### **Natural Resource Police Update**

- Presentation by Sergeant Ingerson
- The new representative from NRP will be Sergeant Randy Charron.
- Sergeant Ingerson provided summary of NRP activity from November 17, 2003 through February 15, 2004 [Attachment D].
  - 1) Sergeant Ingerson provided an update on crossbow incident with fatality of a young boy. There were several contributing factors. The father provided a letter of acknowledgement, which will be incorporated in the hunter education course. Charges were withdrawn.
- Chairman Lambert thanked Sergeant Ingerson for his service on the Wildlife Advisory Commission.

**Old Business**

- The Wildlife Advisory Commission Historian, Charles Garner has been ill since last summer. Commissioner Lamp will ask Mr. Garner, if he is able to return to the Commission. The Commission truly misses Mr. Garner presence.
- The Department is prohibited from using any lethal methods to manage mute swans. Currently, the USFWS is working on the Environmental Impact Statement (EIS). The Department asked Congress to amend the Migratory Bird Treaty Act by excluding the mute swan from the List of Migratory Birds.

**New Business**

- No new business reported.

There being no further business, the meeting was adjourned at 12:15 p.m.

**Attendance**

Members:	L. Adams, L. Julio, T. Lambert, J. Lamp, R. Pascal, J. Scarborough
Guests:	K. Fuchs, M. King, T. Mathews
Staff:	D. Anthony, B. Beyer, S. Bittner, K. Blizzard, R. Charron, B. Eyler, D. Hotton, M. Hoffman, P. Jayne, B. King, H. Lynch, P. Peditto, L. Ingerson, M. Slattery, T. Spencer, G. Therres
Absent:	C. Dollar, G. Fratz, R. Gregory, C. Garner